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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,908	11/07/2000	Osamu Niwa	A33711 PCT U	5718

21003 7590 12/03/2002

BAKER & BOTTS
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NEW YORK, NY 10112

EXAMINER
HON, SOW FUN

ART UNIT	PAPER NUMBER
1772	

DATE MAILED: 12/03/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-6

Office Action Summary	Application No.	Applicant(s)	
	09/674,908	NIWA ET AL.	
	Examiner	Art Unit	
	Sow-Fun Hon	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) *6* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

Withdrawn Rejections

1. The 35 U.S.C. 102(b) and 103(a) rejections in Paper # 4 (filed 07/05/02) of claims 1-5 have been withdrawn due to Applicant's amendment in Paper # 5 (filed 09/23/02).

New Rejections

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Last (US 3,325,575) in view of Gasse et al.

Last teaches balloons (column 9, lines 10-25) made from polyolefin (polyene) film laminates which are stretched in biaxial directions having a thickness of 0.35 μm (0.00025 in.) to 254 μm (0.01 in.) (column 8, lines 1-30). Last fails to teach the specific claimed five-layer composition.

Gasse et al. teaches a film composed of a polyamide resin layer (A), a polyamide resin layer blend (B) of 10-60 weight % of amorphous polyamide resin and 40-90 weight % of aliphatic polyamide resin, an adhesive layer(D) (bonding layer) and a seal layer (C) (heat sealing layer) (abstract). A preferred five-layer structure is A/D/B/D/C, wherein D is a polyolefin layer (bonding layer of polyethylene or polypropylene) (column 2, lines 10-55). The film is shaped into a balloon (film bubble) (column 3, lines 15-20).

layer) (abstract). A preferred five-layer structure is A/D/B/D/C, wherein D is a polyolefin layer (bonding layer of polyethylene or polypropylene) (column 2, lines 10-55). The film is shaped into a balloon (film bubble) (column 3, lines 15-20).

Gasse et al. teaches that the film based on polyolefins, has good heat sealability, good surface slip (column 1, lines 55-65), and elevated mechanical strength, specifically puncture resistance (column 5, lines 45-55).

Because Gasse et al. teaches that the film based on polyolefins has good heat sealability and elevated puncture resistance, it would have been obvious to one of ordinary skill in the art to have used the five layer film based on polyolefins as taught by Gasse et al. as the film laminate based on polyolefins in the invention of Last in order to obtain an air-tight balloon with the desired puncture resistance and heat sealability.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Last in view of Gasse et al. as applied to claims 1-2,5 above, and further in view of Horii.

Last has been discussed above and teaches the balloon made from polyolefin laminate film. In addition, Last also teaches lamination with metal foil to give metallic effects (column 9, lines 10-35), but fails to specify that the metal laminated film is for the balloon, or that the metal is vapor-deposited on the laminate film.

Horii teaches a balloon formed from heat sealing a plastic film (transparent) with a metal vapor deposited layer formed on one side (column 1, lines 15-45). The transparent plastic film is based on polyamides and polyolefins, and a seal layer (column 2, lines 55-60). Horii teaches that metallic balloons made of a metal vapor deposition film are well known in the art because they are beautiful (column 1, lines 15-25).

Because Horii teaches that the beautiful metallic balloons made of a metal vapor deposition film are well known in the art, it would have been obvious to one of ordinary skill in the art to have specifically used the metal foil laminate taught by Last for the balloon in Last, and to have used vapor-deposition as another means to put the metal layer on the film laminate.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

6. In order to further prosecution however, Applicant's arguments with respect to Gasse et al. which teaches that the films must not be stretched. Gasse et al. teaches that the films must not be stretched in order to obtain good thermoformability, but does not teach that they cannot be stretched. Last the primary reference teaches that biaxially oriented film has greater strength and orientation in the longitudinal direction for use in balloons ('575,column 9, lines 5-15).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

SH
11/22/02

HAROLD PYON
SUPERVISORY PATENT EXAMINER 11/25/02